

To His Grace *James Duke of Ormonde*,
Lord Lieutenant-General and General
Governour of *Ireland*, and the rest of
Her Majesties most Honourable *Privy-
Council*.

The Humble Petition of the Right Honourable *Henry*
Lord Baron of *Santry*.

Sheweth,



THAT *Francis Higgins* Rector of *Balruddery* in the County of *Dublin*, being formerly turned out of the *Commission of the Peace* by Sir *Richard Cox* who first admitted him into the same, was lately put into the *Commission of the Peace* for the County of *Dublin* by Sir *Constantine Phipps* the present Lord Chancellor of *Ireland*.

THAT the said Mr. *Higgins* by his *Turbulent Behaviour and Scandalous Practices* rendred himself justly *Obnoxious* to almost every Gentleman in that County: And on his first Appearance amongst them at the last *Sessions* at *Kilmainham* Insulted and Abused your Petitioner before many of the *Justices of the Peace* and other *Gentlemen* of the County.

THAT the *Grand-Jury* of the said County made their Application to the *Bench*, Desiring, they would joyn with them in requesting the Lord Chancellor for the *Ease and Quiet* of the County, to turn the said Mr. *Higgins* out of the *Commission of the Peace*, for the Reasons set forth in their Representation of the said Mr. *Higgins*, which has since been Printed by the Title of the County of *Dublin's Presentment*.

THAT your Petitioner and several other *Gentlemen* of the County attended the Lord Chancellor, and laid the same before his Lordship, and were in hopes so much Credit would have been given to the Representation of the *Grand-Jury* and the Application of several *Noblemen*, and Men of *Quality*, and others of the best *Estates* in the County, That the said Mr. *Higgins* would thereupon be removed from the *Commission of the Peace*; And therefore your Petitioner thought it needless to offer any Proofs to support the *Facts* which were so Solemnly Attested by the *Body* of the County.

THAT your Petitioner finding the aforesaid Application had not its intended Effect, your Petitioner with the *Knights of the Shire*, and other *Justices of the Peace* of the said County attended the Lord Chancellor, and then acquainted him that the *Gentlemen* of the County believing their Joynt Application to his Lordship might have had Weight sufficient to Remove a Person so *Obnoxious* as Mr. *Higgins* was, from amongst them, and therefore did not Trouble his Lordship in producing any *Evidences* before Him; Nevertheless told his Lordship, they were ready to make out the *Facts* charged against him by the *Grand-Jury* of the County, and desired his Lordship to appoint a Short Day for the Hearing thereof; To which his Lordship was pleased to Answer, That the Cause was gone from him, and lay before the Lord Lieutenant and Council, who would Hear the same.

THAT the said Mr. *Higgins* pursuant to an Order of the Council-Board put in an Answer to the Representation of the County of *Dublin*, and thereby Joyned Issue on the several Matters charged against him by the said *Grand-Jury*, by Denying in his Answer, That he behaved himself in a *Turbulent Manner*, or any way unbecoming the Character of his Sacred Function, or that he was a *Disturber of the Peace*, or *Sower of Sedition*, &c. And desired to be Heard against the said Charges; whereupon Tuesday the 16th of this Instant *October 1711*, being appointed by your Grace, and Lordships, to Hear the Matter of the said Accusation: Your
Petitioner

Petitioner accordingly prepared for the said *Hearing*, and took out several *Summons's* from the Deputy Clerk of the Council, and brought to this Town many *Witnesses* out of the Country, and some at least *Forty Miles*, and then *Instructed* and *Feed* his Council ; and being ready for a *Hearing*, was told the same was put off, but had no *Notice* sent Him by the Deputy Clerk of the Council, or any by his Order ; Neither did your Petitioner ever Hear any Reason for putting off the same. — That the *Hearing* being put off till *Friday* the 19th of this Instant, your Petitioner was at the *Expence* and *Trouble* of renewing all his *Summons's*, and serving the *Witnesses* therewith a second time.

That several of Your Petitioner's Material *Witnesses* against the said Mr. *Higgins*, were between the first and second Time appointed for *Hearing* the said *Accusation*, Prevailed on by the said Mr. *Higgins*, or Those that *Alted* for Him, to *Disappear*, tho Summoned ; Others went out of Town, several (particularly some in Office) expressed an Apprehension of drawing *Inconveniencies* on *Themselves*, should they give *Evidence* against Mr. *Higgins*.

THAT Your Petitioner labouring under these *Difficulties* ; Endeavoured with more Caution to prepare for the said *Hearing*, and thereupon ordered his *Agent* to take the *Testimony* of his Remaining *Evidences* from their own *Mouths*, and then to Lodge them (being Country People) in some Place, where Mr. *Higgins* could not come at them ; Neyertheless so Industrious was the said Mr. *Higgins* to possess himself of Your Petitioner's *Witnesses*, That one *George Higgins* Brother of the said *Francis Higgins*, the very next Morning found them out, and carried them to *Francis Higgins's* Lodgings, thence to one *Hale's* Office, formerly the Sub-Sheriff's Clerk, and there the said *George Higgins* and the said *Hale* shut themselves up with Your Petitioner's said *Witnesses*, and were found by Your Petitioner's *Agent* *Tampering* with them, in order to render their *Testimony* *Ineffectual*.

THAT Your Petitioner in Obedience to Your Grace and Lordships Order prepared a second Time for the said *Hearing* on *Friday* the 19th Inst. and Attended several *Hours* at the *Castle* with his *Evidences* and Council, and at length was told the *Hearing* was put off or adjourned *sine die* ; And soon after Your Petitioner received Your Grace and Lordships Order, Directing, That particular *Instances* of the General *Allegations* against the said *Francis Higgins* in the said *Presentment* should be given into the Council-Board on or before *Tuesday* the 23^d Inst. And that in the giving of such *Instances*, the Persons Complaining should be confined to such *Facts* as concern his Behaviour as a Justice of the Peace, during the Time of his being first in the Commission of the Peace, and also relate to the *Facts* alledged against him the said *Francis Higgins* since his being in the said Commission of the Peace the second Time ; By which Order Your Petitioner apprehends he is debarred from proving the *Facts* contained in the *Presentment* ; and is confined in his Proof to Matters concerning Mr. *Higgins's* Behaviour as a Justice of the Peace, which is no Part of the *Accusation*, contained in the said *Presentment* there being nothing mentioned in the said *Presentment* of *Corruption* or *Male Administration* in him the said *Francis Higgins* as a Justice of the Peace.

THAT in regard the said *Francis Higgins* continued but a short time in the Commission of the Peace for the said County, should Your Petitioner be confined only to *Facts* within that Time, a great Part of Your Petitioner's *Evidence*, which would prove the said *Francis Higgins* Unworthy of Her Majesty's Commission of the Peace, would be Excluded.

THAT Your Petitioner was Prepared to prove many *Instances* of the said Mr. *Higgins's* *Seditious* and *Turbulent Behaviour*, in Framing or Publishing several *Scandalous Libels*, particularly, one against the Arch-Bishop of Canterbury, Intituled, *A Postscript to Mr. Higgins's Sermon*, very necessary for the better Understanding of it, Which *Libel* was burnt by the Hands of the Common-Hangman by Order of the House of Lords in this Kingdom, and Censured by the Lower-House of Convocation in this Kingdom, in the Words following, (Viz.) RESOLVED, That a *Dialogue*, Intituled a *Postscript to Mr. Higgins's Sermon*, very necessary for the better understanding it, is a *Scandalous Pamphlet*, designed to vilify and lessen his Grace the Arch-Bishop of Canterbury, and tends to Create dangerous Jealousies between the Governours of the CHURCH and other GREAT-MEN. RESOLVED, That We believe this *DIALOGUE* is a very unfaithful Representation of a Discourse between the Lord Arch-Bishop of Canterbury and Mr.

Mr. Higgins. RESOLVED, That in Case it shall hereafter appear, That any Person under the Jurisdiction of this CONVOCATION is the Author or Publisher of this LIBEL, he ought to be duly Censured and Punished by this SYNOD.

RESOLVED, That the Lords the BISHOPS be desired to use proper Means to discover the Author and Publisher of the said LIBEL.

THAT since the making the said RESOLUTIONS by the Lower House of Convocation, And before the said Presentment was made by the Grand-Jury of the County of Dublin, a Reverend Divine and a Member of the Convocation, took upon him Publicly in the Convocation-House to prove the said Mr. Higgins to be the AUTHOR of the said SCANDALOUS-LIBEL.

YOUR Petitioner further Sheweth, That He is ready to prove, That the said Mr. Higgins hath Libelled or published Libels against several Gentlemen of known Worth and Loyalty in this Kingdom; And can give several Instances of his Turbulent and Seditious BEHAVIOUR, Particularly,

THAT the said Mr. Higgins being denied Entrance into the House of Commons by the Door-keeper, said thus to Him, Go tell the Speaker (Mr. Brodrick being then in the Chair) My Name is FRANCIS HIGGINS! And, That I know Him to be an Enemy to the CHURCH and all CHURCH-MEN! For which Act of Insolence, The said Mr. Higgins was obliged to make his Submission, and beg Pardon!

THAT the said Francis Higgins having proposed a Reference to Two Lawyers, the present Speaker being Named One of the Referees, He Reproached Him in the following Terms, viz. I Hate Your Man his Principals and Morals; And laying his Hand on his Sleeve, said, If it were not for this GOWN, I would pull Him by the Nose where-ever I met Him!

THAT your Petitioner can prove, That the said Mr. Higgins about a Year past in a Publick Coffee-House Insulted Mr. Richard Nuttall on a Sabbath-Day, calling him ROGUE and RASCAL! And said, Were it not for his GOWN, He would sit his Ears!

THAT Your Petitioner can prove, That the said Mr. Higgins to Reproach Her Majesty's just Administration, Seditiously said in a Publick Coffee-House, That Forty-One was coming in again, and if it do's, said He, I can Cant; and wear a short Cloak, and perhaps Rub-Down my Land-Lady too, — as well as another.

THAT Your Petitioner can prove, That the said Mr. Higgins has publickly at a Quarter-Sessions drank Confusion to all Dissenters, and been guilty of many other Seditious and Turbulent Practices, and is so Noted for the same, that when he comes into the Coffee-Houses, People to avoid his Insults, either retire thence, or withdraw themselves at a great Distance from him.

THAT Your Petitioner can prove, The said Mr. Higgins in many Instances hath behaved himself unbecoming the Character of a Clergy-Man, by Demeaning himself Contemptuously to his Diocesan the Arch-Bishop of Dublin, by Affronting him at his Visitations, and reproaching him with ill Language there, and in other Places. — By Marrying without Licence, by Antedating a Matrimonial Certificate, whereby Foliot Shrigley, Esq; was in Danger of Losing Five Hundred Pounds.

THAT Your Petitioner can prove several Instances of the said Mr. Higgins's Lewdness and Immoralities! Which are fitter to come from the Mouths of the Witnesses, Than to be disclosed in any other Manner.

MAY it therefore please your Grace and Lordships to permit your Petitioner to prove the several Matters herein before set forth, They being so many Instances or Proofs of the General Charges against the said Mr. Higgins Express'd in the said Presentment; But in Case your Grace and Lordships shall continue of Opinion, That your Petitioner ought to be confined to such Facts only as concerns Mr. Higgins's Behaviour as a Justice of the Peace during the first and second Time of His being in the Commission of the Peace, your Petitioner in Obedience

dience to your Grace and Lordships Order of the 19th of October Instant, doth give into this Honourable Board by this his Humble Petition the following particular Instances of the said Mr. Higgins's Corruption in his Office as Justice of the Peace, and Illegal Behaviour therein, (viz.) THAT one Jane Loyd having lately Stole some Old Napkins and other Goods of small Value from Mr. Higgins, at his House in Ballruddery, Sold part thereof to the value of 3 Shillings to one Elizabeth Farrell of Ballruddery, and another small parcel to the Wife of one James Conner and one Morgan, the whole not being worth above five Shillings; Whereupon the said Jane Loyd was carryed before Daniel Wybrants, Esq; a Neighbouring Brother Justice of the Peace to the said Mr. Higgins, who took Examinations on Oath, of the said Felony against the said Jane Loyd, and at the same time took three several Recognizances from the Persons who bought the said Goods, to Prosecute the said Jane Loyd at the last Sessions at Kilmainham, and then delivered the Recognizances with the Examinations to Mr. Higgins's Sister, telling her, that he the said Wybrants was so ill of the Gout, that he could not attend at the Approaching Sessions at Kilmainham, and directed her to deliver the three Recognizances and the Examinations to her Brother Mr. Francis Higgins, and (to desire him to return the same to the Clerk of the Peace) which accordingly she did. That the said Mr. Higgins and his Wife frequently threatned the poor Women, who Inadvertantly bought the said Goods, That they should be Whipped at Kilmainham, whereby they and their Husbands were so terrify'd, That they applied to Mrs. Higgins the Wife of the said Francis Higgins, to make Reparation for any Damage Mr. Higgins had Sustained by their Buying the aforesaid Goods; Whereupon the said Mrs. Higgins Demanded three Pounds, being more than ten times the Value of the Goods by them bought as aforesaid, which Terms they being neither able nor willing to comply with, the said James Conner and Elizabeth Farrell came to Dublin to the said Mr. Higgins's Lodging, and propos'd to Agree with him on Easier Terms, and asked him what he thought was reasonable for them to pay, To which Mr. Francis Higgins Answered, That if they would not pay him Thirty Shillings, he would Prosecute them for Buying the same: At length, the said Conner and Elizabeth Farrell agreed to Mr. Higgins's Proposal; and thereupon, Mr. Higgins gave them a Letter to his Wife, then at Ballruddery, and bid them give Bonds with good Security, Payable to him, and to deliver them to his Wife, and then told them they need not go to the Sessions to Prosecute the said Loyd; and accordingly the said Conner and some of his Friends Perfected a Bond to the said Francis Higgins for the Sum of Thirty Shillings, which Bond was Witnessed by Mr. Hall the said Higgins's Curate at Ballruddery. That the said Francis Higgins carried the Original Examinations taken before the said Wybrants; and delivered the same with his own Hand to the Clerk of the Peace at Kilmainham, but did not return the Recognizances, The Felony being Compounded, and a Bond given for Payment of the Money for the Goods Stolen as aforesaid. — THAT the Examinations given against the said Jane Loyd being full, the Grand-Jury found a Bill of Felony against her, and she came to Tryal, but was acquitted for want of Evidences; The three several Recognizances not being returned by the said Mr. Higgins, who then and some time before the Felony committed, was a Justice of the Peace in the said County.

THAT Your Petitioner can prove, That when the said Mr. Higgins was first admitted into the Commission of the Peace, he Acted Arbitrarily, for, that by the Law of the Land no Corporal Punishment can be inflicted on any of Her Majesty's Subjects before they be Legally Convicted. — That the said Francis Higgins without Tryal or Conviction, Ordered three Persons who were Travelling the Road, and had taken two Sheaves of Oats out of one of his Tenant's Haggards to be Stripped Naked down to the Waste of their Bodies, and made each Whip the other round on old Ash-Tree with large Switches, whilst he the said Mr. Francis Higgins stood by with a Switch in his Hand, and laid on them himself with Severe Stroaks, as often as they passed by him!

THAT most of the Gentlemen of the County of Dublin can prove, That as often as the said Francis Higgins came amongst Them, especially at their Sessions, he created Heats and Disturbances; And therefore hopes Your Grace and Lordships for the Service of Her Majesty, and the Quiet of the said County, will Order the said Francis Higgins to be turned out of the Commission of the Peace.

And he will Pray, &c.

Santry.